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PATENTREMARKS

In response to the Office action mailed March 10, 2004, applicants hereby elect with traverse Group I (claims 1-25 and 32-35) for examination.

Claims 29-31 have been canceled and new claims 36-40 have been added. Claims 36-38 present the subject matter of canceled claims 29-31, respectively, and should be examined based on their dependency from elected claims.

Reconsideration is respectfully requested of the restriction requirement with respect to claims 26-28 and, in particular, of the reason stated in the Office action for the restriction requirement. It is stated in the Office action that the invention as claimed by the elected claims is distinct from the invention as claimed in non-elected claims. However, the three groups of claims relate to the same invention. Applicant respectfully asks the Examiner to consider that even if the Examiner indeed believes that the inventions are distinct, are such inventions materially different from a search perspective? Applicant respectfully submits that for purposes of issuing a restriction requirement any such inventions cannot fairly be said to be materially different.

Applicant also asks the Examiner to consider the relative burdens on the Examiner and the applicant. In order for a reliable search to be conducted for either group of claims, the same classes will have to be searched. Accordingly, maintaining all claims in the application should not add more than a minimal burden. In this regard, the Examiner is asked to consider MPEP 803:

"If the search and examination can be made without serious burden, the examiner must examine it on the merits, even if it includes claims to distinct or independent inventions."
(emphasis added)

Applicant respectfully submits that the burden of examining the additional claims having an overlapping search field cannot fairly be said to be "serious." In contrast, applicant would incur filing and issue fees of about \$1000 or more and maintenance fees of about \$3000 or more if required to prosecute and maintain a second application/patent, such fees being in addition to the similar fees to be incurred in this first application.

Applicant notes that claim 28 has been amended to depend from claim 27 so that only

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two additional, related independent claims and one dependent claim need to be examined if the Examiner withdraws the restriction requirement with regard to claims 26-28.

In view of the foregoing, applicant respectfully asks the Examiner to withdraw the restriction requirement with respect to claims 26-28.

It is believed that no fees are due in connection with this Response. However, if the Commissioner determines that any fees are due he is authorized to charge Deposit Account No. 19-1345.

Respectfully submitted,



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